

## **REMARKS**

The non-final Office Action mailed June 29, 2006 and references cited therein have been reviewed. Applicants have canceled claim 41, amended claims 1, 17-21, 49, 50, and 52-54, and added new claims 87-96 by this amendment.

Applicants note that the Examiner withdrew the previous objections to the claims and cited new prior art to reject the claims. Applicants also note that the Examiner issued a Final Office Action after citing the new prior art. As such, the new rejections and new prior art have necessitated the filing of an RCE to enable Applicants to address the new rejections and new prior art.

### **THE SECTION 102 REJECTION**

Claims 1, 3-13, 27-32, 41, 49, 50, 57-62, and 73-76 were rejected under 35 U.S.C. §102(b) as being anticipated by Thompson. The Examiner asserted that Thompson discloses a guide member that includes a passageway. Applicants disagree. Applicants agree that there appears to be a space between the abutment 15 and the inner surface of housing 8; however, such space cannot constitute a passageway in the abutment. As such, Thompson cannot anticipate any of the pending claims.

Applicants have amended independent claims 1 and 49 to include the following limitations that are not disclosed in Thompson: 1) a first fluid passageway through the guide member, which first passageway is spaced from an outer edge of the guide member, 2) both of the springs in the housing are designed to contact the bottom bushing in the housing when the rod member is in the fully retracted position, 3) the housing includes top and bottom bushings, wherein the top bushing is positioned at least closely adjacent to the top end of the housing and the bottom bushing positioned at least closely adjacent to the bottom end of the housing, 4) the top bushing includes an opening to enable a portion of the rod member to pass therethrough and to support the rod for reciprocation axially of the housing between retracted and extended positions relative thereto, and

5) the top bushing includes a sealing arrangement to inhibit fluid from entering into and escaping from the top end of the housing.

For at least the reasons set forth above, none of the pending claims are anticipated or made obvious by Thompson.

### **SECTION 103 REJECTIONS**

Claims 2 and 72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Van Crombrugge or Wilbur. Applicant acknowledges that Van Crombrugge and Wilbur disclose two springs that have opposite winding directions. However, neither Van Crombrugge nor Wilbur in combination with Thompson overcomes the deficiencies of Thompson as set forth above. As such, claims 2 and 72 are not obvious in view of Thompson, Van Crombrugge and/or Wilbur.

Claims 14-26 and 51-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Yokoyama. As an initial matter, Applicants submit that Yokoyama is non-analogous art. As such, Yokoyama cannot be used in combination with Thompson to support a rejection of any of the pending claims. Furthermore, Yokoyama in combination with Thompson overcomes the deficiencies of Thompson as set forth above. As such, claims 14-26 and 51-56 are not obvious in view of Thompson and Yokoyama.

Claims 84-86 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Svendsen. Svendsen in combination with Thompson overcomes the deficiencies of Thompson as set forth above. As such, claims 84-86 are not obvious in view of Thompson and Svendsen.

Applicants submit that the claims pending in the above-identified patent application are allowable over the cited art of record.

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